

REMARKS§112 Rejections

Claims 3, 4, 98-101, 106, and 113-129 were rejected as being indefinite. Claim 3 has been amended as suggested by the Examiner. Claim 4 depends from claim 3. Claim 98 has been placed in independent form and has been amended to give antecedent basis to “the first angle.” Claims 99 and 102 have been cancelled herein. Claims 100 and 101 depend from claim 98. Claims 106 and 113 have been amended as suggested by the Examiner. Claims 114-119 depend from claim 113. Claim 124 has been placed in independent format and amended to clear up indefiniteness. Claims 121-123 and 125-128 depend from claim 124. Claim 129 has been amended to give first and second positions antecedent basis. Therefore, Applicant respectfully requests withdrawal of the indefiniteness rejection.

Prior Art Rejections§102 RejectionsA. U.S. Patent No. 3,588,023

Claims 88-102 and 120-129 were rejected as being anticipated by U.S. Patent No. 3,588,023 to Cohen. Cohen relates to a Vertically Adjustable Standard. Cohen includes a clamping unit 28 including a lock ring 50, an opening 42, and an actuating member 44 that extends within the opening to position the lock ring 50.

1. Claim 88

Claim 88 requires and Cohen fails to teach “when in the second position, the release positions the lock member in the second position.” When the actuating member 44 of Cohen is in the lowered position, it does allow the lock ring 50 to be located in the lowered position, but it does not require it. An upward force upon the rod 18 will raise the lock ring

50 to the upper position while the actuating member 44 is still in the lowered position.

Therefore, placing the actuating member 44 in the lowered position does not place the lock ring 50 in the lowered locking position. Withdrawal of the rejection is respectfully requested.

2. Claims 89-94

Claims 89-94 depend from claim 88. In that claim 88 is believed to be allowable, claims 89-94 are also believed to be in condition for allowance. Removal of the rejections is respectfully requested.

3. Claim 98

Claim 98 requires and Cohen fails to disclose “the lock member being configured to permit movement of the adjustment pole relative to the base pole with the lock member in the first position, ... the lock member including a substantially flat surface defining a first angle between the lock member and the longitudinal axis when in the first position... the first angle deviating from 90 degrees.” The position of the lock ring 50 of Cohen as shown in Fig 3, which is the position that allows movement, places the plane of the lock ring 50 at a 90 degree angle relative to the longitudinal axis of the rod 18. Thus, locking ring 50 does not deviate from 90 degrees as required in claim 98. Withdrawal of the rejection is respectfully requested.

4. Claims 100-101

Claims 100-101 depend from claim 98. In that claim 98 is believed to be allowable, claims 100-101 are also believed to be in condition for allowance. Removal of the rejections is respectfully requested.

5. Claim 124

Amended claim 124 requires and Cohen fails to disclose “a release coupled to the lock member.” The lock ring 50 of Cohen is clearly not coupled to the actuating member 44. Fig. 1 of Cohen clearly shows a gap between lock ring 50 and actuating member 44. Furthermore, lock ring 50 is allowed to move independently of actuating member 44. Therefore, actuating member 44 is not coupled to lock ring 50. Removal of the rejection is respectfully requested.

6. Claims 121-123 and 125-128

Claims 121-123 and 125-128 depend from claim 124. In that claim 124 is believed to be allowable, claims 121-123 and 125-128 are also believed to be in condition for allowance. Removal of the rejections is respectfully requested.

7. Claim 129

Claim 129 depends from claim 1. In that claim 1 has been allowed, claim 129 is also believed to be in condition for allowance.

B. U.S. Patent No. Re 24,290

Claims 103-109 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. Re 24,290 to MacKnight (hereinafter “MacKnight”). MacKnight relates to a Adjustable Seat Assembly. MacKnight includes a housing including a locking plate 51, a spring 57 to bias the locking plate 51, and a lever 61.

1. Claim 103

Claim 103 requires “a spring contacting the release and urging the release to the second position.” As shown in Fig. 1 of MacKnight, the lever 61 contacts the underside

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of locking plate 51. Spring 57 contacts the topside of locking plate 51. Spring 57, however, does not contact lever 61. MacKnight therefore teaches the spring 57 contacting the locking plate 51 instead of the spring 57 contacting the lever 61 as required by claim 103. Therefore, claim 103 is believed to be allowable and such allowance is respectfully requested.

2. Claims 104-108

Claims 104-108 depend from claim 103. In that claim 103 is believed to be allowable, claims 104-108 are also believed to be in condition for allowance. Removal of the rejections is respectfully requested.

3. Claim 109

Claim 109 includes and MacKnight fails to disclose “the release including a notch sized to receive an end of a lock member, the notch including a top surface and a bottom surface to each restrain the movement of the lock member relative to the release.” In the interest of expediting prosecution, Applicant has further defined the notch to clearly define over MacKnight. Claim 109 is believed to be in condition for allowance. Such allowance is respectfully requested.

§103 Rejections

Claims 110 – 112 were rejected under 35 U.S.C. §103(a) as being unpatentable over MacKnight in view of U.S. Patent No. 4,629,074 to Toder (hereinafter Toder ‘074). Claims 110-112 all depend from claim 109. In that claim 109 is believed to be allowable, claims 110-112 are also believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

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Claims 113-119 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen in view of Toder '074. The proposed combination fails to teach the limitation of “the release configured to slide on an exterior of the coupling” as required by claim 113. For purposes of expediting prosecution, Applicant has further defined the sliding to require that the sliding be done on an exterior of the coupling. As such, Applicants believe that claim 113 and claims 114-119 which depend therefrom are in condition for allowance.

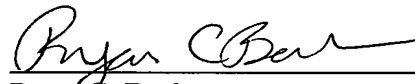
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Final Comments

Applicants gratefully acknowledge the Examiner's statement that claims 1-4, 7-9, and 38-41 contain patentable subject matter. Applicants believe this application is in condition for allowance in its present form and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

If necessary, Applicants request that this Response be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this Response be charged to the account of Bose McKinney & Evans, Deposit Account Number 02-3223.

Respectfully submitted,



Ryan C. Barker
Registration No. 47,405

RCB
2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
509048